

### **REMARKS/ARGUMENTS**

Applicant has received the Office Action dated June 23, 2010, in which the Examiner rejected claims 1-26 under 35 U.S.C. § 102(b) as being anticipated by Kitamura (U.S. Pat. No. 7,236,526, hereinafter "Kitamura"). With this Response, Applicant has amended claims 1-6, 9-14 and 18-25, and submitted new claim 27.

#### **I. CLAIMS 1-24**

Applicant amends claim 1 to specify that a rule set includes an "MPEG rule" and a "compatibility rule." The MPEG rule defines "defining a format requirement for the file to be decoded by a first type of MPEG-capable decoder." The compatibility rule defines "a format requirement for the file to be decoded by a second type of MPEG-capable decoder." Thus, the rule set includes at least two separate rules each defining a requirement associated with a different type of MPEG-capable decoder.

The Examiner referred to Kitamura specifically at col. 17, lines 26-44, col. 20, lines 50-57, and col. 21, lines 14-57. Applicant has carefully reviewed these passages. These portions of Kitamura explain that an image may be sequentially encoded in a series (generations) of encoders. Column 20 explains that an encoder 106 encodes a baseband video signal as a bit stream which contains a group of pictures (GOP) structure and a bit rate. Column 21 explains what happens with regard to a fourth generation encoder, that is, the fourth in a series of four encoders. Column 21 explains that a controller "determines whether or not the picture type assigned to the reference picture for the fourth-generation encoding process is the same as the picture type of the reference picture for the first-, second-, or third-generation encoding process." Col. 21, lines 37-41. Column 21 further elaborates:

If the picture type specified for the reference picture for the fourth-generation encoding process is different from all the picture types for the past encoding processes, the controller 70 carries out a "normal encoding process." That is, in this case, this reference picture has not been encoded, during the first-, second-, or third-generation encoding process, into the picture type assigned for the fourth-generation encoding process. On the other hand, if the picture type specified for the reference picture for the fourth-generation encoding

process is the same as one of the picture types for the past encoding processes, then the controller 70 executes a "parameter-reused encoding process." That is, in this case, this reference picture has been encoded, during the first-, second-, or third-generation encoding process, into the picture type assigned for the fourth-generation encoding process.

Col. 21 lines 42-57.

Thus, Kitamura teaches comparing the picture type of the fourth generation encoder with the history information associated with an image. Claim 1, however, is different in two respects. First, claim 1 requires at least two different rules to be used in relation to the file. In Kitamura, only a single rule is used, essentially does a picture type of a previous generation of encoder match the picture type of the fourth generation of encoder? Second, the claimed rule set includes at least two rules (MPEG and compatibility rules) with each such rule pertaining to a different type of MPEG encoder. Kitamura has no such teaching. Instead, Kitamura teaches the use of a single rule, noted above, and not multiple rules and certainly not multiple rules, each pertaining to different types of MPEG encoders.

For at least these reasons, claim 1 and its dependent claims are allowable over Kitamura. This same or similar reasoning applies to independent claims 10 and 18 and their associated dependent claim.

## **II. CLAIMS 25 AND 26**

Claim 25 has been amended to specify that the rule "specifies whether the file must have a group of pictures (GOP) header." Kitamura has no teaching of rule that specifies whether the MPEG file must have a GOP header. The MPEG files in Kitamura very well may have GOP headers, but there is no teaching in Kitamura a portion of file that is tested against a rule that specifies whether the file must have a GOP header. For at least this reason, claims 25 and 26 are in condition for allowance.

## **III. CLAIM 27**

Claim 27 is newly added and depends from claim 1. Claim 27 further limits the MPEG and compatibility rules of claim 1. Per claim 27, the MPEG rule

“specifies a maximum bit rate value and a location within a sequence header of the file at which a bit rate encoded in the file is located.” The compatibility rule “specifies that a GOP header must be present in the file.” Both such rules thus are required to be part of the rule set that is applied against the file to determine whether a violation exists. Kitamura has no teaching of the application of such rules to a portion of an MPEG file and certainly not the application of both rules to a one MPEG file.

#### **IV. CONCLUDING COMMENTS**

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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